

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

LAND APPEAL NO.5 OF 2023

*(Originating from the District Land and Housing Tribunal for Mtwara at
Mtwara in Misc. Land Application No.812 of 2022)*

SAIDI AHMADI NAMMILI.....APPELLANT

VERSUS

FATUMA BAKALI LIPILI.....RESPONDENT

RULING

6/6/2023

LALTAIKA, J.

Dissatisfied with the decision of the District Land and Housing Tribunal for Mtwara at Mtwara delivered on the 23rd day of December 2022 before **HON. NGUKULIKE, N.O.**, Chairman the appellant herein preferred this appeal for against the said decision.

This matter came for the first time for mention on 3/2/2023 where no party appeared. Thereafter, for a total of three times (i.e 21/3/2023, 4/5/2023 today 6/6/2023) neither the appellant nor the respondent entered

appearance. What happens in the case at hand is akin to what happened in the case of **STEELCOM LIMITED VS ISMAIL ISSA MBAGO AND 30 OTHERS**, Labour Revision Application No.274 of 2019 where this court held that: -

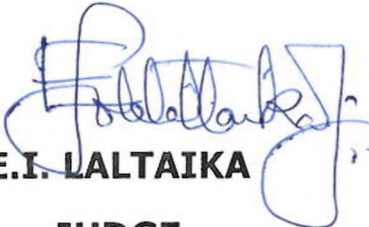
“Applicant filed present revision on 1st April 2019. Since the filing no appearance has ever been made despite several court orders. From the records, the applicant has lost interest in prosecuting this matter not only on the reason of non-appearance, but failure to serve the respondent as ordered by the court on 23rd April 2019. This court cannot keep on adjoining this file and return the same to the court shelves. The applicant has turned this court into a library of his client case file. Court duty is to hear and determine disputes. Applicant no appearance is glaring to prove lack of interest to prosecute the case.”

Having provided the appellant with the benefit of the doubt with regards to interest in prosecuting his appeal both common sense and administrative prudence dictates that this matter is ripe for dismissal for want of prosecution.

Premised on the above, **LAND APPEAL NO.5 OF 2023** is hereby dismissed for want of prosecution.

It is so ordered.




E.I. LALTAIKA
JUDGE
6/6/2023